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Attorneys for Defendants
10 CARDTRONICS USA, INC. and
CARDTRONICS, INC.
11

12 UNITED STATES DISTRICT COURT
13 SOUTHERN DISTRICT OF CALIFORNIA
14

15 IN RE: CARDTRONICS ATM FEE NOTICE
LITIGATION
16

17 Member cases: 11cv217-BEN (BLM)
18 11cv236-BEN (BLM)
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Case No. 11md2245-BEN (BLM)

**DECLARATION OF DOUGLAS
LOBEL IN SUPPORT OF *EX PARTE*
MOTION TO CONTINUE HEARINGS
ON PLAINTIFFS' MOTIONS FOR
CLASS CERTIFICATION IN
CHRISTENSEN AND SANDOVAL
CASES**

Judge: Hon. Roger T. Benitez
Courtroom: 3

1 I, Douglas P. Lobel, declare as follows:

2 1. I am an Partner at the law firm of Cooley LLP, counsel for Defendants Cardtronics
3 USA, Inc. and Cardtronics, Inc. (together “Cardtronics”), and am lead counsel for Cardtronics in
4 this Multidistrict Litigation (“MDL”) proceeding. I have personal knowledge of the following
5 facts and, if called upon to testify, I could and would testify competently thereto.

6 2. Plaintiffs’ counsel in the *Johnson* and *Norris* cases, Eric Calhoun, told Cardtronics
7 that he had a scheduling conflict on March 12, 2012, and was asking to continue the Hearing until
8 April 23, 2012. I spoke to Mark Golovach, counsel for Plaintiffs in the *Christensen* and *Sandoval*
9 cases, about changing the Hearing date for the Plaintiffs’ motions for class certification. Mr.
10 Golovach told me that he was willing to try to accommodate Mr. Calhoun and he was not
11 opposing continuing the motions from the March 12, 2012 Hearing date.

12 3. Earlier today, Mr. Calhoun re-filed the class certification motions in the *Johnson*
13 and *Norris* cases, and consistent with his previous statements to me noticed the Hearing for these
14 motions on April 23, 2012.

15 4. After Plaintiffs Johnson and Norris filed their new motions and set the April 23
16 Hearing date, I spoke with Mr. Golovach by telephone about continuing the Hearings on the
17 motions in the *Christensen* and *Sandoval* cases until April 23. Mr. Golovach stated that he was
18 unwilling to commit to continue the Hearings from March 12th to April; 23rd.

19 5. The Court and the parties would be prejudiced by having two Hearings on two
20 different dates on effectively the exact same motions. The class certification arguments of all the
21 Plaintiffs in this MDL proceeding are essentially the same. The second Hearing would be a
22 repeat of the first, just with different counsel representing different Plaintiffs.

23 6. Furthermore, it would unduly burden Cardtronics to have to appear separately for
24 the two Hearings. I am lead counsel for Cardtronics in these matters; I appeared at the Early
25 Neutral Evaluation last week on behalf of Cardtronics. I am located outside Washington, D.C.,
26 and thus would have to travel twice to California if there were two separate Hearings on the class
27 certification motions.

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1 I declare under penalty of perjury that the foregoing is true and correct. Executed on
2 February 22, 2012, in Reston, Virginia.

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6 Douglas P. Lobel

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